

07 APR 2005 09:07:00

Before the
Federal Communications Commission
Washington, D.C. 20554

FCC 05M-25
04319

In the Matter of)
)
Florida Cable Telecommunications)
Association, Inc.; Comcast Cablevision of)
Panama City, Inc.; Mediacom Southeast,)
L.L.C.; and Cox Communications Gulf,)
L.L.C.,)
)
Complainants,)
)
v.)
)
Gulf Power Company,)
)
Respondent.)

APR 23 2005

ORDER

Issued: April 22, 2005

Released: April 25, 2005

On April 21, 2005, Florida Cable Telecommunications Association, *et. al* ("Complainants") filed their pleading styled: "Stipulated Request for Extension of Time to File Motions to Compel" ("Stipulation"). Complainants represent in the Stipulation that both Gulf Power Company ("Gulf") and the Enforcement Bureau ("Bureau") have consented to an extension of time to receive and review documents and to file a motion to compel.

Complainants report that on April 19, 2005, Gulf Power produced 1,610 pages of documents in response to their request for documents. In addition to actual production, Gulf Power indicated and/or identified additional responsive documents that it was not now producing, but would be making available for inspection and copying at business offices located throughout Gulf Power's service area.¹ It appears to be a logistical reality, that counsel for Complainants will need first to travel to those various offices to inspect, review and designate documents for copying, and then await receipt of those of the

¹ 47 C.F.R. § 1.325 (discovery and production of documents and things for inspection, copying or photographing).

selected documents which Gulf Power will produce. Thus, Complainants contend they will need more time than is provided by the rules of practice within which to move to compel. *See* 47 C.F.R. § 1.325(a)(2) (motions to compel must be filed within 5 business days of objection or claim of privilege).

Under these circumstances, Complainants have shown good cause for being permitted a reasonable amount of additional time within which to file a motion to compel. Complainants believe that the first inspection visit would be April 25, 2005, and suggest an extension of 14 days from the date of actual receipt of documents selected for discovery. It would appear to be reasonable that documents selected should be delivered by May 6, 2005. Thus, Complainants could be in a position to file an initial motion to compel by May 23, 2005.

Accordingly, IT IS ORDERED that the time within which Florida Cable Telecommunications Association, Inc., *et. al.* may file a motion to compel production of documents [47 C.F.R. § 1.325(a)(2)] SHALL BE EXTENDED to **May 23, 2005**.

IT IS FURTHER ORDERED that if there are any significant delays in delivery of documents experienced or anticipated before May 23, 2005, the Presiding Judge should be appraised, and a prehearing conference (informal or formal) may be requested to consider measures for keeping document production on schedule.

FEDERAL COMMUNICATIONS COMMISSION²

A handwritten signature in black ink, appearing to read "Richard L. Sippel", is written over a horizontal line.

Richard L. Sippel
Chief Administrative Law Judge

² Courtesy copies of this *Order* were transmitted to counsel for each of the parties by e-mail on the date of issuance.